

GEN. WM. F. SMITH'S CASE.

4 WRIT OF CERTIORARI GRANTED BY THE SUPREME COURT.

The Mayor Ordered to Return to the Court the Record of the Proceedings Laid Before Gen. Smith's Preliminary Removal from Office—A Review of the Mayor's Action.

An application was made before Judge Lawrence at the Special Term of the Supreme Court yesterday by Mr. Willard Bartlett and Mr. T. C. E. Ecclesine, counsel for Gen. W. F. Smith, for a writ of certiorari to Mayor Cooper to review his action in removing Gen. Smith from office last spring. The motion was made in open court after the call of the calendar, and the writ was allowed by Judge Lawrence in the course of the afternoon. The affidavit upon which the motion was made contains the history of the case as reported in this Sun, from time to time. It begins with the arrival of Gen. Smith that he was appointed a Police Commissioner on May 1, 1875, for a term of six years, and was entitled to receive a salary of \$6,000 per annum until Jan. 1, 1876, when he was chosen President of the Board of Police Commissioners, at a salary of \$8,000. On or about March 14, 1879, Gen. Smith received from Mayor Cooper a letter dissolving his contract, and the disbanding of the police force had become law, and the force had become demobilized; that the streets had not been thoroughly cleaned since the 1st of January. Executive Committee, and to resign in the discharge of his duties; that he had allowed personal dissensions to preclude the discharge of his duty, and that some of his fellow unbroken officers had done so. Mayor Cooper declared warred against President Smith's removal, and he gave him an opportunity to defend himself on March 15, at his office.

The affidavit next describes the proceedings in the Mayor's office. Messrs. Willard Bartlett and Thomas C. E. Ecclesine, responded to the Mayor's communication, and the Mayor again sent a letter to Gen. Smith, to whom the Executive Committee had before recommended a writ of habeas corpus to get the money in favor of increasing the salary of Engineer Pribbles from \$3,000 to \$5,000, and the salary of the other engineers from \$2,000 to \$3,000, the increase to date from Oct. 1, 1879.

President Murphy said that the original plans were to give an increase of \$1,000 to each engineer, and \$1,000 to each of the other officers.

Mr. Bartlett, in his affidavit, states:

"My opinion is that there was nothing to say at all."

Mr. Ecclesine, however, says he did not permit it. You must not interrupt me in proceeding."

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